IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION.

CRIMINAL APPLICATION No. 3521 of 2007

Paresh V. Shah ..Applicant.

Vs.

The State of Maharashtra and Anr. ..Respondents.

Mr A. H. Ponda i/b Yusuf and Associates for the applicant.

Ms S. D. Shinde, A.P.P. for the Respondent No.1.

Mr Prakash Naik, i/b Kiran Jain & Co. for the Respondent No.2.

CORAM: V.C. DAGA,J.

DATED: 30. 10. 2007.

P.C.:-

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1. Heard the learned counsel for the applicant, learned counsel for the complainant and the learned APP for the State.

2. Perused application and the material available on record.

3. The applicant is seeking bail in C.R. No.119 of 2007 registered with MRA Marg Police Station for the offence punishable under Sections 403, 406, 409,418, 420, 463, 465, 467,468, 471-A and 120-B of the Indian Penal Code.

4. This application has been moved after suffering adverse order dated 5.10.2007 in

Bail Application No. 572 of 2007 passed by the learned Sessions Judge, Greater Bombay. However, learned Sessions Judge, while rejecting application for anticipatory bail,was pleased to protect the applicant by an interim order so as to enable him to approach this Court.

5. The applicant has,now, invoked powers of this Court under Section 438 of the Cr.P.C.to seek pre-arrest bail. This matter was placed before this Court on 23.10.2007. By consent of parties interim protection granted by learned Sessions Judge, Greater Bombay, was extended by another one week. That is how, after expiry of one week the matter is placed before this Court for hearing and order.

6. During the course of hearing, it transpired that the prosecution had obtained permission to make further investigation under Section 173 (8) of the Cr.P.C. which was granted by the Court of Magistrate vide order dated 27.6.2007. The prosecution has already filed charge sheet against the present applicant on 27.6.2007.

7. It is, thus, not in dispute that the charge sheet has already been filed and the

applicant can apply for regular bail before regular Court.

8. Having regard to the above factual scenario and looking to the consensus between parties, it would be in the interest of justice, to direct applicant to seek regular bail from regular Court protecting the applicant by extending the life of the interim order which is already operating in favour of the applicant. It is, thus, ordered that till the bail application is disposed by one way or the other the applicant shall remain on interim bail.

9. Needless to mention that the Court deciding the bail application shall decide the same on its own merits without getting influenced either by order of learned Sessions Judge or the order of this Court extending the life of the interim anticipatory bail. The applicant is expected to move the Regular Court within one week from today. After expiry of one week interim protection, extended by this order, shall come to an end automatically, without reference to this Court.

10. Application is disposed of.

11. Parties to act on authenticated copy of this order.

(V.C. DAGA,J.)